IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 83 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

JALAMSING VAKATSING

Versus

STATE OF GUJARAT

Appearance:

MS KD PARMAR for Petitioner

MR SAMIR DAVE, APP for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 13/02/2001

ORAL JUDGEMENT

#. Rule. Mr.Samir Dave waives service of Rule on behalf of respondents.

#. Having heard the learned counsel for the parties and going through the order dated 7.11.2000, I find that

there is a total contradiction in the approach of the Inspector General of Jails, Gujarat State, Ahmedabad. If we go through the first part of this order, I find that in substance, he agreed to grant benefit of furlough leave to the petitioner, however, on the condition that he will arrange a reputed local surety of Rs.10,000/- and shall furnish an undertaking that he shall report back in time. The petitioner arranged for surety but that surety has not clarified as regards the amount of Rs.10,000/=. Thereafter, additional ground has been given that three accused are absconding on being granted interim bail who are the relatives of the petitioner and therefrom, an inference has been drawn that there may be possibility that the resent prisoner may also not report in time and accordingly his application has been rejected. The ground given that three accused are absconding on being granted interim bail and are stated to be relatives of the petitioner is absolutely irrelevant ground and only on the basis of this, otherwise also, this application could not have been rejected.

#. The learned counsel for the petitioner submitted that the petitioner is ready to deposit Rs.15,000/= in cash instead of furnishing any surety. In case, the petitioner deposits Rs.15,000/= with the jail authorities and further files an undertaking that he shall report back in time after the period of furlough is over, the Inspector General of Jail, Gujarat State, Ahmedabad, to pass appropriate order in accordance with law. Rule and special criminal application stand disposed of accordingly with no order as to costs.

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(sunil)